

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:

Chapter 13

**KENTON DWAYNE POWELL &
JENNIFER ELLEN POWELL,**

CASE NO: 12-22367-PP-13

Debtors.

NOTICE OF MOTION FOR ABANDONMENT
AND RELIEF FROM AUTOMATIC STAY

BANK OF AMERICA, N.A. (hereinafter referred to as "Movant") by its attorneys Blommer Peterman, S.C., has filed papers to request that the Court grant it relief from the automatic stay imposed by Sec. 362(a) of the Bankruptcy Code and for abandonment of property of the estate.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought by the Movant in this Motion, or if you want the Court to consider your views on this Motion, then, **within fourteen (14) days of the date of this Notice**, you or your attorney must file a written objection with the Court and request a hearing. Your objection must be sent to:

Bankruptcy Clerk of Court
US Courthouse
517 E. Wisconsin Avenue
Milwaukee, WI 53202

Blommer Peterman S.C. 165 Bishops Way, Suite 100
Brookfield, WI 53005 262-790-5719 shannon@blommerpeterman.com

If you mail your objection and request for hearing to the Court for filing, you must mail it early enough so that the Court will receive it within fourteen (14) days of the date of this Notice.

You must also mail a copy of your objection and request for hearing to Movant's Attorney:

Shannon K Cummings
Blommer Peterman, S.C.
165 Bishops Way, Suite 100
Brookfield, WI 53005

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief and abandonment as requested.

Dated this 5 day of February, 2013

Blommer Peterman, S.C.

/s/

Shannon K Cummings

Prepared by:
Shannon K Cummings
Blommer Peterman, S.C.
165 Bishops Way, Suite 100
Brookfield, WI 53005
262-790-5719
shannon@blommerpeterman.com

Blommer Peterman, S.C. is the creditor's attorney and is attempting to collect a debt on its client's behalf, and any information obtained will be used for that purpose.

Blommer Peterman S.C. 165 Bishops Way, Suite 100
Brookfield, WI 53005 262-790-5719 shannon@blommerpeterman.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:

**KENTON DWAYNE POWELL &
JENNIFER ELLEN POWELL,**

Debtors.

Chapter 13

CASE NO: 12-22367-PP-13

**MOTION OF BANK OF AMERICA, N.A. FOR ABANDONMENT AND RELIEF FROM
AUTOMATIC STAY
(REAL PROPERTY)**

BANK OF AMERICA, N.A. ("Movant") hereby moves this Court for abandonment, pursuant to 11 U.S.C. § 554, and for relief from the automatic stay, pursuant to 11 U.S.C. § 362, with respect to certain real property of the Debtors having an address of 3525 Haven Avenue, Racine, WI 53405 (the "Property"), for all purposes allowed by the Note (defined below), the Mortgage (defined below), and applicable law, including but not limited to the right to foreclose. In further support of this Motion, Movant respectfully states:

1. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtors on 02/29/2012.
2. A Chapter 13 Plan was confirmed on 07/17/2012.
3. The Debtors have executed and delivered or are otherwise obligated with respect to a certain promissory note (the "Note"), a copy which is attached hereto as Exhibit A. Movant is an entity entitled to enforce the Note.
4. Pursuant to that certain Mortgage (the "Mortgage"), all obligations (collectively, the "Obligations") of the Debtors under and with respect to the Note and the Mortgage are secured by the Property and the other collateral described in the Mortgage. A copy of the Mortgage is attached hereto as Exhibit B.

5. All rights and remedies under the Mortgage have been assigned to the Movant pursuant to that certain assignment of mortgage, a copy of which is attached hereto as Exhibit C.
6. Bank of America, N.A. services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed.
7. The plan calls for the Debtors to surrender the Property.
8. As of February 15, 2013, the approximate outstanding amount of the Obligations less any partial payments or suspense balance is \$133,867.24.
9. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred \$650.00 in legal fees and \$176.00 in costs. Movant reserves all rights to seek an award or allowance of such fees and costs in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.
10. The estimated market value of the Property is \$134,676.78 according to the local taxing authority.
11. Cause exists for relief from the automatic stay for the following reasons:
 - (a) Movant's interest in the Property is not adequately protected.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay for all purposes allowed by the Note, the Mortgage, and applicable law, including but not limited allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property and any and all other collateral pledged under the Mortgage.
2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
4. For such other relief as the Court deems proper.

Dated this 15 day of February, 2013

Blommer Peterman, S.C.

/s/

By: Shannon K. Cummings
165 Bishops Way, Suite 100
Brookfield, WI 53005
262-790-5719; 262-790-5721 (fax)

Blommer Peterman, S.C. is the creditor's attorney and is attempting to collect a debt on its client's behalf, and any information obtained will be used for that purpose.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In Re: Kenton Dwayne Powell & Jennifer Ellen Powell
Debtors

CASE NO: 12-22367-PP-13
AFFIDAVIT OF SERVICE

STATE OF WISCONSIN)
WAUKESHA COUNTY)

The affiant, being first duly sworn on oath, deposes and states that a copy of the Notice of Motion and Motion for Relief in the above entitled action was served on February 27, 2013 by Electronic Case Filing to the following persons at the following addresses:

Mary B. Grossman, Trustee
P.O. Box 510920
Milwaukee, WI 53203

Office of the U.S. Trustee - Eastern
517 E. Wisconsin Avenue, Room 430
Milwaukee, WI 53202

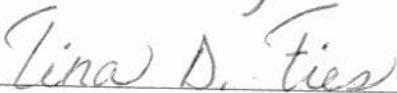
Attorney Abraham Michelson
617-6th Street
P.O. Box 67
Racine, WI 53401

Blommer Peterman, S.C.



Name: Kathleen Shanahan

Subscribed and sworn to before me
this 27 day of February, 2013



Notary Public, State of Wisconsin
My commission expires: 5/11/2014



UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In Re: Kenton Dwayne Powell & Jennifer Ellen Powell
Debtors

CASE NO: 12-22367-PP-13
AFFIDAVIT OF SERVICE

STATE OF WISCONSIN)
WAUKESHA COUNTY)

The affiant, being first duly sworn on oath, deposes and states that a copy of the Notice of Motion and Motion for Relief in the above entitled action was served on February 27, 2013 by first class mail, postage prepaid, to the following persons at the following addresses:

Kenton D. Powell & Jennifer E. Powell
3525 Haven Avenue
Racine, WI 53405

Attorney Abraham Michelson
617-6th Street
P.O. Box 67
Racine, WI 53401

*** Please see attached page(s) for additional Creditors if needed ***

Blommer Peterman, S.C.

Cody Mayberry

Name:

Cody Mayberry

Subscribed and sworn to before me
this 27th day of February, 2013

Kathleen D. Shanahan
Kathleen D. Shanahan
Notary Public, State of Wisconsin
My commission expires: 7/26/2015



ACS Services/Wells Fargo Education
Attention Collections
501 Bleecker Street
Utica, NY 13501

AT&T Mobility
PO Box 6416
Carol Stream, IL 60197

AT&T Mobility II LLC
%AT&T SERVICES INC.
JAMES GRUDUS, ESQ.
ONE AT&T WAY ROOM 3A218
BEDMINSTER, NJ 07921

Aurora Medical Group
P.O. Box 341457
Milwaukee, WI 53234-1457

Aurora Medical Group
Attn: Collections
P.O. Box 343910
Milwaukee, WI 53234

AURORA MEDICAL GROUP INC
W180 N11070 RIVER LANE
GERMANTOWN, WI 53022

CBCS
PO Box 163250
Columbus, OH 43216

ChexSystems
Attn: Consumer Relations
7805 Hudson Rd. Ste 100
Saint Paul, MN 55125-1595

Children's Hospital and Health System
P.O. Box 13367
Milwaukee, WI 53213-0367

Children's Hospital of Wisconsin
Drawer 531
Milwaukee, WI 53278-0531

Citation Collection Services
PO Box 68963
Indianapolis, IN 46268

Citi Corp. Credit Cards
Credit Service
Central Bankruptcy Department
P.O. Box 20507
Kansas City, MO 64195

ECMC
P. O. Box 75906
St. Paul, MN 55175

Equifax Information Services LLC

P.O. Box 740256
Atlanta, GA 30374-0256

Experian
P.O. Box 2002
Allen, TX 75013-2002

Great Lakes Higher Education Guaranty Corp
2401 International Lane
Madison, WI 53704

Harris N.A.
Bmo-Harris Bank/Attention: Legal Service
1100 W. Monroe 421 E
Chicago, IL 60603

Internal Revenue Service
Centralized Insolvency Operations
P.O. Box 7346
Philadelphia, PA 19101-7346

Kohls/Chase Bank
P.O. Box 3004
Milwaukee, WI 53201-3004

Kohn Law Firm S.C.
312 E. Wisconsin Ave., Suite 501
Milwaukee, WI 53202-4305

Medical College of Wisconsin
P.O. Box 13367
Milwaukee, WI 53213-0367

Milwaukee Board of School Directors
200 E. Wells Street
Milwaukee, WI 53208-2698

Milwaukee Board of School Directors
DBA Milwaukee Public
c/o Kohn Law Firm
312 East Wisconsin Ave
Suite 501
Milwaukee, WI 53202

Nelnet
3015 Parker Road
Aurora, CO 80014

Nelnet on behalf of the U.S. Department of Education
3015 South Parker Road, Suite 400
Aurora, CO 80014

Racine City Treasurer
730 Washington Ave.
Racine, WI 53403

Racine County Treasurer
Racine County Courthouse
730 Wisconsin Ave.

Racine, WI 53403

Sallie Mae Loan Servicing Center
P.O. Box 9500
Wilkes Barre, PA 18773-9500

The Bank of New York Mellon, et al
c/o Prober & Raphael
Attorney for Secured Creditor
P.O. Box 4365
Woodland Hills, CA 91365-4365

Trans Union Corporation
P.O. Box 2000
Crum Lynne, PA 19022-2002

U.S. Dept. of Education
Direct Loan Servicing Center
PO Box 530260
Atlanta, GA 30353-0260

Wells Fargo
c/o ACS
PO Box 22724
Long Beach, CA 90801-5724

Wells Fargo Bank NA
Wells Fargo Education Financial Services
301 E 58th Street N
Sioux Falls, SD 57104

Wells Fargo Card Services
1 Home Campus
3rd Floor
Des Moines, IA 50328

Wells Fargo Education Financial Services
PO Box 5185
Sioux Falls, SD 57117-5185

Wells Fargo Financial Bank
Attn: Bankruptcy Dept
4137 121st St.
Urbandale, IA 50323

Wisconsin Dept. of Revenue
Special Procedures Unit
P.O. Box 8901
Madison, WI 53708-8901